

Next Meeting: March 2, 2005
10:00 a.m. – Thorburn Center – Ingham ISD (Rooms B and C)

SPECIAL EDUCATION ADVISORY COMMITTEE

Minutes of February 2, 2005 Meeting
10:00 a.m.

Present: Cindy Anderson, Gloria Anderson, Kathleen Clegg, Patt Clement, Julie Dagget-Lawrence (for Patricia Keller), Cheryl Ervin, Darlene Heard-Thomas, Elaine High, Ric Hogerheide, Dara Knill, Jim Kubaiko, Paul Kubicek, Jerry Oermann, Dodie Raycraft, Anne Richardson, Debs Roush, Chuck Saur, Steve Schwartz, Jeff Siegel, Larry Simpson, Barbara Stork (for Jill Jacobs), Deb Todd, Julie Winkelstern
Ex-Officio Members: David Brock (for Jacquelyn Thompson), Mark Larson, Doug Nurenberg (for Sheri Falvay), Rosanne Renauer, Michele Robinson

Absent: Pansy Coleman, Janice Fialka, Lee Martin, Julie Shore, Randall VanGasse, Colette Ward, Ann Yurcek

OSE/EIS Staff: Fran Loose, Patti Oates-Ulrich

Guests: Lynn Boza, Sheryl Diamond, David Gruber, Lauren Harkness, Judy Hazelo, Beth Kennedy, Maggie Kolk, Sandi Laham, Joanne Winkelman

The meeting was called to order by Chairperson Patt Clement.

Roll Call

Roll call was taken and a quorum was present.

Introduction of Guests

Guests attending the meeting were introduced.

Amend/Approve Proposed Agenda

The agenda of the February 2, 2005 meeting was considered. Jim Kubaiko moved, seconded by Debs Roush, to approve the agenda as written. The motion carried.

Amend/Approve Minutes

The minutes of the January 5, 2005 meeting were considered. Ric Hogerheide moved, seconded by Steve Schwartz, to approve the minutes as written. The motion carried.

Public Comment

None

Member Issues

Steve Schwartz announced that a bill for the expansion of the seat shared by the Michigan Association of School Psychologists and the Michigan Association of School Social Workers into two separate seats will go before the House Education Committee on February 3 at 2:00 p.m. in the Farnum Building. Steve invited anyone who felt strongly about the issue to attend.

Deb Todd reminded the group of an issue previously discussed related to the lack of a standard for determining education loss when a student doesn't receive all the services listed in their IEP. Deb requested that the general supervision subcommittee discuss the issue and report back to the committee of the whole. Patt stated that it must go to the executive committee first. The executive committee will report the results of the discussion.

Chairperson's Report – Patt Clement

A. Presentation of the 2005-06 SEAC Executive Committee Slate of Nominations

Patt announced that the slate of nominations is prepared. Each person on the slate introduced themselves to the committee of the whole with Patt introducing those members on the ballot not present. Patt then explained that each delegate will receive a ballot by mail. A self-addressed, stamped envelope will be provided. Each delegate should sign the envelope and return the ballot by mail to Amanda. The ballots will be counted and the results announced at the March meeting.

State Reports – David Brock

A. Update: State Board of Education meeting

Tom Watkins resigned as the Superintendent of Public Instruction. Jeremy Hughes will serve as the interim superintendent until a new person is appointed through the normal appointment process. Mark Larson noted that Tom Watkins is now a special assistant to the president of Wayne State University, a position that is supported by grant dollars. Discussion followed.

In January, the State Board of Education received the Lewis-Cass ISD Plan along with the SEAC document on the impact of No Child Left Behind on students with disabilities and the Universal Education report on vision and principles, both information items. In February the Board will receive modifications to the Montcalm and Calhoun ISD plans.

B. Update: IDEIA 2004 Reauthorization Activities

The Department of Education is going through side by side versions of the 1997 and 2004 IDEA, making comparisons and examining changes. Public comment on the new law can be made via the web through February 28, 2005 to the Office of Special Education Programs in Washington, DC.

There are a number of items that the Department of Education would like to put out public comment April 15 through June 15. Among those items are an update to the IEP form and manual, a revision of the procedural safeguards given to parents, the monitoring system proposal for statewide application based on the pilot conducted this school year, and an update on private school placement procedures for use in the event that a district cannot find an appropriate program for a child either within its district or by contracting. The Department is also examining its data collection systems to ensure that all data required by the new federal law will be collected in December. Finally, the federal application for funds, completed by intermediate school districts on behalf of their local districts and public school academies in order to take advantage of the new flexible spending options, is being reviewed.

C. UPDATE: MDE OSE/EIS Activities

The Governor issued an executive order on January 14 creating a state office on administrative hearings and rules. This consolidates administrative hearings conducted by various government agencies into the agency of the Department of Labor and Economic Growth. This change is effective March 27, 2005. The Office of Regulatory Reform that prior to this executive order received all administrative rules for approval after SEAC's review has been transferred to the State Office of Administrative Hearings and Rules (SOAHR). All of the Department of Education's rules will now go through this office for review. The Department of Education plans to pass its administrative rules, including those on the single-tier magistrate system, through the SEAC as usual and then pass it on to the new office. Discussion followed.

The Department of Education requests that the SEAC hold a special meeting on June 22, 2005 to review the public comment on all the new policies and procedures listed above in the hope that they can be effective by July 1, 2005. All documents will be available for review during the public comment period. Many of these issues are driven by the new IDEIA reauthorization, thus limiting the changes that can be made based on the public comment. The Department will update the SEAC as much as possible with regard to the comment received prior to the special meeting so members can be prepared to take action at that meeting.

D. Presentation: Michigan Special Education Mediation Program – David Gruber, Program Director, Michigan Special Education Mediation Program (MSEMP)

David Gruber reported that MSEMP offers mediation for any special education dispute that may arise. It is federally funded through the Department of Education and administered by Dispute Resolution Resources, Inc. of Lansing. He explained what mediation is and summarized the mediator's purpose, role, and training. To obtain

services or training, anyone may call 1-800-8-RESOLVE and be referred to the closest conflict resolution center. Steve Schwartz asked if there were a significant number of mediators who are also hearing officers. David responded that he was not aware of many, but he would not rule out the possibility that more exist. Jerry Oermann asked how one becomes a mediator. David said anyone desiring to become a general mediator can contact their local community dispute resolution center and to get assistance. To become a special education mediator, one would contact David's office. Discussion followed.

E. Presentation: Seclusion & Restraint Draft Policy – Dr. Joanne Winkelman, OSE/EIS Policy & Compliance Coordinator

Joanne Winkelman reported that last spring, Tom Watkins asked the Department of Education to convene a group to examine and update the seclusion and restraint standards. Given the sensitivity of the issue, the meetings were very emotional and every word in the document was carefully weighed. The document is out for public comment with decision points, providing an opportunity for people to make a choice and provide rationale for that choice to bring the document to its final form. Joanne walked the group through the document by decision point, using the response form as a guide. Questions may be posed during lunch.

Joanne also provided a copy of a letter from Jeremy Hughes, a newly approved Highly Qualified Special Education Teacher qualification chart, and related language from IDEIA. In light of the newly reauthorized IDEIA, a master's degree no longer makes a teacher highly qualified unless it can be shown how the master's degree reflects each core academic subject taught. Different requirements apply to teachers teaching only students taking MI-Access.

Information Items

A. Summary of public comment on approval of transition coordinator requirements

Judy Hazelo explained that the only changes made to these documents were the correction of two typographical errors. Steve Schwartz moved, seconded by Jerry Oermann, that the item be assigned to the secondary transition subcommittee for further examination with action in March. The motion carried. Ric Hogerheide, seconded by Gloria Anderson, moved to reconsider this assignment as general supervision has traditionally reviewed all such documents. Discussion followed. The motion did not pass.

B. Summary of public comment on proposed changes to the administrative rules for special education

David Brock walked the group through the two versions of the rules distributed in the January meeting, the first being what went out for public comment, the second showing the changes made as a result of public comment received. Ric Hogerheide moved,

seconded by Deb Todd, that the item be assigned to the general supervision subcommittee for further examination with action in March. The motion carried.

C. Summary of public comment on the magistrate system

Lauren Harkness reminded the group of her previous presentation on the single-tier magistrate system. A copy of the edited document was provided to the group and Lauren toured the changes made based on public comment since her presentation. Ric Hogerheide, moved, seconded by Steve Schwartz, that the item is assigned to the general supervision subcommittee for further examination with action in March. The motion carried.

Action Items

None

Ex-Officio Reports

Institutions of Higher Education – Mark Larson – None

Michigan Department of Community Health – Doug Nurenberg – None

Michigan Department of Labor and Economic Growth/Rehabilitation Services – Rosanne Renauer – None

Family Independence Agency – Lee Martin – None

Michigan Department of Corrections – Michele Robinson – None

Committee Reports

A. General Supervision – Ric Hogerheide

The questions forwarded by the subcommittee to the to-be-formed parent referent group were not shared with the SEAC as a whole. Ric explained the process that the subcommittee went through to develop the document they forwarded and asked if the committee of the whole is interested in receiving the document as well. The document will be posted to the listserv.

B. School Age – Steve Schwartz

The SEAC affiliation grid was compiled based on the activity completed at the January meeting. Steve explained that the subcommittee will examine the results and make any necessary changes to the document so it can be compiled for the 2005-06 SEAC at the retreat. In addition, the seclusion & restraint document will be examined as assigned.

C. Secondary Transition – Elaine High

The last meeting the subcommittee discussed pupil accounting as a barrier to effective transition services and the issue raised and assigned to the subcommittee in the January meeting related to the Office of Career Preparation Department of Labor and Economic Growth and students with disabilities. At today's meeting the subcommittee will discuss pupil accounting rules as a barrier to effective transition services. The subcommittee will also discuss concerns regarding the Transition Coordinator Qualifications Rule and the Transition Coordinator Competencies and Procedures for Approval as assigned during the committee of whole meeting.

Member Announcements

None

Future Agenda Consideration

Patt Clement announced that someone from the Department of Education, possibly Kathy Barker, will present on the monitoring model in April or May.

Gloria Anderson suggested further presentation on seclusion and restraint. Steve Schwartz suggested a lunch presentation on positive behavior support.

Jerry Oermann moved, seconded by Elaine High, to adjourn. The motion carried. The meeting was adjourned to subcommittee meetings.

Amanda Whitehead
Recording Secretary

SPECIAL EDUCATION ADVISORY COMMITTEE

Executive Committee
Minutes of February 2, 2005 Meeting
8:45 a.m.

Present: David Brock, Patt Clement, Elaine High, Ric Hogerheide, Sandi Laham, Fran Loose, Patti Oates-Ulrich, Debs Roush, Steve Schwartz, Larry Simpson

Absent: Jacquelyn Thompson, Collette Ward

Review of Today's Agenda

David Gruber from the Michigan Special Education Mediation Program will present on mediation at today's meeting as an outgrowth of the dispute resolution discussion that took place earlier this year. Joanne Winkelman will present on the seclusion and restraint document and will be available to answer questions over lunch until approximately 12:30.

State Department Report

Jacquelyn Thompson is out ill. David Brock will give the state department report in her stead. David will announce that Tom Watkins resigned as Superintendent of Public Instruction. He will also go over January and February State Board of Education items related to SEAC. He will explain the Governor's executive order that transfers some due process authority to another office effective in March. Finally, David will summarize work the Department is doing related to updating and strengthening the data collection process and revising the federal application for ISDs to make use of flexible spending.

There are a number of new policies going out for public comment April 15-June 15. The Department of Education would like to make these new policies effective July 1, 2005. In light of this goal, the SEAC is requested to hold a special meeting in conjunction with the State Interagency Coordinating Council (SICC, Part C's counterpart to SEAC) on June 22 to review the information and respond. Public comment can be sent to members electronically a few days prior to the meeting so members can be as prepared as possible. Discussion followed. It was suggested that Kathy Barker present on the monitoring model in April or May to assist in preparation for this meeting. Amanda will check with Kathy to see which meeting works best for her schedule.

There are three information items being presented at today's meeting: the summary of public comment on approval of transition coordinator requirements, the summary of public comment on proposed changes to the administrative rules for special education, and the summary of public comment on the magistrate system.

Subcommittee Reports

Ric Hogerheide stated that Sandi Laham summarized the questions that the general supervision subcommittee drafted for the soon-to-be-formed parent referent group. The summary was passed on to the individual at the Department coordinating the referent group. Once the referent group is formed, the question of how to receive feedback from them can be answered. Ric will ask the committee of the whole at today's meeting if they would like to receive this document as well.

Steve Schwartz announced that the affiliation grid will be distributed at today's meeting. The grid reflects the activity completed at the January meeting as well as grids emailed or faxed to Amanda by those delegates who were absent at that meeting. In addition, it is anticipated that the seclusion and restraint document being presented by Joanne would be sent to the subcommittee today for a response to be formulated on behalf of SEAC. Finally, the subcommittee will discuss the affiliation grid and make any changes necessary so that the process can most effectively be used for the 2005-06 SEAC at the retreat.

Elaine High stated that the secondary transition subcommittee is working on an interface with Michigan Transition Services Association. Sheryl Diamond from the Office of Special Education and Early Intervention Services will meet with the subcommittee today to provide more information as was requested by the group. Fran Loose mentioned a High School Reform Intervention and Supports subcommittee that she is chairing. She will extend an open invitation to interested parties to participate. This group will meet on February 23, 8-11 a.m.

Future Agenda Development

The revision of the bylaws will be ready as an information item for the March meeting with action in April.

Parameters for invited guest speakers will be discussed in the executive committee in March.

Other Issues

Patt Clement will go over the ballot in the committee of the whole meeting. Individuals on the ballot will introduce themselves at this time. The ballots will be mailed to delegates this month with a self-addressed, stamped return envelope. Delegates should sign the envelope.

Steve Schwartz mentioned that the SEAC expansion bill goes before the House Education Committee on February 3. He will make an announcement and invite interested parties to attend during the member comment portion of the committee of the whole meeting.

Sandi Laham noted that Shari Krishnan, former SEAC member and Chair, won the CEC Exceptional Parent Award.